

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:07cr260-MHT
)	(WO)
WILLIAM TOBY KIMBROUGH)	

OPINION AND ORDER

Defendant William Toby Kimbrough has moved to modify the conditions of his supervised release so as to no longer require him to spend six months in a halfway house in Hattiesburg, Mississippi. See Motion to Modify (doc. no 170). The condition was suspended pending resolution of the motion.

The court notes with approval that Kimbrough is residing with his aunt and uncle and has stable employment with a construction company, which could be jeopardized if he reports to the halfway house. A strong support system and reliable employment are vital for Kimbrough to adjust back to the free world and make permanent changes in his life to avoid further criminal activity.

However, the court remains concerned about Kimbrough's long history of failing to comply with the terms of his

supervised release, which have led the court to revoke his release on four separate occasions. Kimbrough has repeatedly acted impulsively and recklessly and has struggled to hold down a job, stay sober, and avoid criminal behavior. Therefore, the court will continue to suspend the condition that Kimbrough report to the halfway house for six months. After that time, the court will hold another status conference to hear an update on whether Kimbrough remains stable, employed, and out of trouble and whether the condition should be permanently removed.

The court will also plan to take up the issue of whether Kimbrough's supervision should be terminated in 2024, roughly ten years after his first revocation. If Kimbrough is able to follow successfully all the conditions of his supervised release for the next three years, without any hiccups, the court will consider it to be strong evidence that he no longer needs supervision. This is a carrot, an encouragement.

Kimbrough should seek all the support he needs--from

family, friends, counselors, and his probation officer--to remain stable and to avoid any illegal activities throughout those three years. The court believes that Kimbrough can live a productive, sober, crime-free life moving forward, and it hopes that Kimbrough uses this opportunity to turn the page on his previous destructive behaviors and start fresh.

Accordingly, it is ORDERED that:

(1) The petition for modification of the conditions of supervision (doc. no. 170) is granted in part.

(2) The suspension of the requirement that defendant William Toby Kimbrough report to a halfway house in Hattiesburg, Mississippi is continued until further order of the court.

(3) A status conference is set for 10:00 a.m. on July 16, 2021, to discuss setting a hearing on whether the halfway-house requirement should be suspended further, implemented, or removed. The courtroom deputy is to

arrange for the conference to be conducted by telephone. By 5:00 p.m. on July 14, 2021, the supervising probation officer shall file a report setting forth his recommendation, and the basis for it, as to the whether the halfway-house requirement should be suspended further, implemented, or removed.

(4) A status conference is set for 10:00 a.m. on November 15, 2024, to discuss how to proceed on the issue of whether defendant Kimbrough's supervision should be terminated. The courtroom deputy is to arrange for the conference to be conducted by telephone. By 5:00 p.m. on November 12, 2024, the supervising probation officer shall file a report detailing defendant Kimbrough's performance while on supervision and recommending whether or not the court should terminate supervision.

DONE, this the 19th day of January, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE